

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

538Q0629

HOUSE BILL NO. 1153

Introduced by: Representatives Cutler, Bolin, Fargen, Frerichs, Krebs, Lust, Peters, Steele, Thompson, and Turbiville and Senators Gillespie, Dempster, Gray, and Novstrup (Al)

1 FOR AN ACT ENTITLED, An Act to revise the elements of the crime of indecent exposure
2 involving a child and to revise the elements of the crime of indecent exposure.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-24-1.3 be amended to read as follows:

5 22-24-1.3. If any person, eighteen years of age or older, with the intent to arouse or gratify
6 the sexual desire of any person, exposes his or her genitals ~~under circumstances in which that~~
7 ~~person knows that his or her conduct is likely to annoy, offend, or alarm some~~ to a child, thirteen
8 years of age or younger, that person is guilty of the crime of indecent exposure involving a child.
9 Indecent exposure involving a child is a Class 6 felony. A second or subsequent conviction for
10 indecent exposure involving a child is a Class 5 felony.

11 Section 2. That § 22-24-1.2 be amended to read as follows:

12 22-24-1.2. A person commits the crime of indecent exposure if, with the intent to arouse or
13 gratify the sexual desire of any person, the person exposes his or her genitals ~~in a public place~~
14 under circumstances in which that person knows that person's conduct is likely to annoy, offend,



1 or alarm another person. A violation of this section is a Class 1 misdemeanor. However, if such
2 person has been previously convicted of a felony violation of § 22-22-1, 22-22-7, or 22-24A-3,
3 that person is guilty of a Class 6 felony. Any person convicted of a third or subsequent violation
4 of this section is guilty of a Class 6 felony.